

ORIGINAL

EX PARTE OR LATE FILED  
RECEIVED  
NOV 16 1999

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Kathleen M. H. Wallman

November 16, 1999

Ms. Magalie Roman Salas, Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
TW-A325  
Washington, DC 20554

Re: *Ex parte* Submission  
WT Docket 99-168

Dear Ms. Salas:

Enclosed is an *ex parte* submission related to the above docket that was submitted to Chairman Kennard, Commissioner Ness, Commissioner Furchtgott-Roth, Commissioner Powell and Commissioner Tristani. The appropriate number of copies is enclosed.

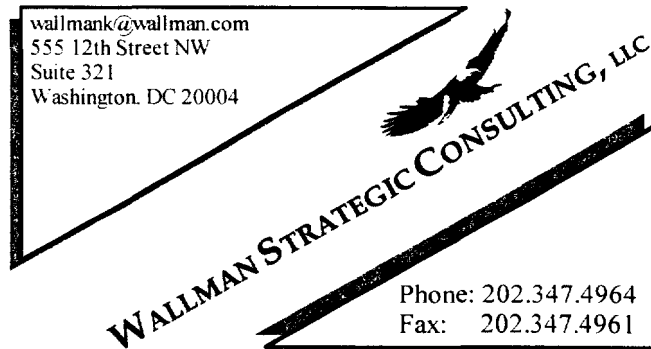
Very truly yours,

Kathleen M. H. Wallman

Enclosure

No. of Copies rec'd 042  
List ABCDE

EX PARTE OR LATE FILED



November 16, 1999

RE: Service Rules for the 746-764 and 776-794 MHz Bands, and Revisions to Part 27 of the Commission's Rules  
WT Docket No. 99-168 (WTB-2)

***By hand***

The Honorable William E. Kennard  
Chairman  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, DC 20554

Dear Mr. Chairman:

I write in my capacity as Chair of the National Coordination Committee on Public Safety Spectrum with the assent of the members of the NCC's Steering Committee. This letter is a follow up to my previous letter, dated August 25, 1999, in which I urged you and your colleagues to take steps to ensure that potential users of the commercial spectrum adjacent to 700 MHz public safety spectrum<sup>1</sup> would not interfere with the communications of State, Local and Federal police, fire, medical support and other public safety emergency services.

Pending before the Commission are two proposals of which I have become aware that offer plans to avoid such interference problems. While the NCC has not performed any detailed evaluation of these proposals, we do endorse the underlying concept that some technical means must be provided to preclude high power, uncoordinated use of the spectrum immediately adjacent to the 700 MHz public safety spectrum.

One plan is offered by Motorola, another by FreeSpace. In very general terms, the Motorola plan proposes that slices of spectrum adjacent to the public safety spectrum be auctioned to a band manager who would then charge Private Land Mobile Radio (PLMR) users a fee for use of those spectrum slices. Under the Motorola plan, the possibility of interference would be avoided by mandatory frequency coordination under the supervision of the band manager. Motorola represents that such coordination between these like categories of users, with very similar equipment, has been the practice for many years in other bands, successfully avoiding interference. Motorola also asserts that its plan offers equipment economies of scale, yielding lower costs for public safety users, as products used by public safety and private users share many similarities. The FreeSpace plan also proposes similar slices of spectrum; but these would be auctioned for CMRS use by the general public with specific power spectral density limits, but no proposed coordination with public safety.

Because the FCC's staff has expressed an interest in views from the NCC, we offer the following observations. A primary concern of the public safety community is to make absolutely sure that the important steps that Congress and the Commission have taken to get more spectrum into the hands of public safety users will not be undone by

---

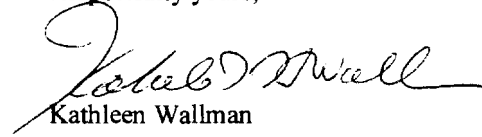
<sup>1</sup> Former UHF television channels 63-64 and 68-69.

interference problems that make the spectrum unusable, even part of the time. Another matter of interest to the public safety community is the prospect of achieving economies of scale and reduced costs for equipment designed to meet the needs of U.S. public safety entities. We urge the Commission to take actions which meet these goals and believe doing so is well within its responsibility to manage the spectrum in an effective manner.

The NCC will further explore proposals for eliminating potential interference from adjacent channel operations at its subcommittee meetings on November 18 and 19. Its subsequent determinations on the matter may result in additional comment to the Commission.

With a focus on the essential outcome of ensuring that there will be no interference, it may be possible to allow a winning bidder to commit to preventing interference *either* by adhering to power spectral density limits *or* by submitting to the frequency coordination process. It would be important to take into account that power levels are only one element of an interference analysis. In either case, it would be essential to have emergency procedures in place to clear any interference to public safety, should it occur, despite the Commission's best efforts to avoid it.

Respectfully yours,



Kathleen Wallman

cc:     The Honorable Susan Ness (by hand)  
       \*     The Honorable Harold Furchtgott-Roth (by hand)  
           The Honorable Michael Powell (by hand)  
           The Honorable Gloria Tristani (by hand)  
           Magalie Roman Salas, Secretary (by hand)